REMARKS

Claims 12, 14, and 16 to 28 are pending in the application.

Claims 12, 14, 17, and 21 are currently amended.

Claims 12, 14, 16, and 17-28 would be all of the claims remaining in the instant application if the present amendment is entered.

Pendency of Claims

In the Office Action, claims 1 to 16 were recited as pending. However, Applicants believe that claims 12, 14, and 16 to 28 are pending in the application because Applicants filed a second preliminary amendment on July 8, 2005, canceling claims 1 to 11, 13, and 15, which amendment is listed in PAIR as having been received by the USPTO on July 8, 2005. Accordingly, Applicants believe that the second preliminary amendment was entered but overlooked when the Office Action was written and claims 12, 14, and 16 to 28 are actually pending in the application.

Amendments to the Claims

Claim 12 is currently amended to delete non-elected subject matter. Claim 14 is currently amended to delete the word "the," which was inadvertently left in the claim in a previous amendment. Claim 17 is currently amended to delete inadvertent redundant text in the definitions of the groups R^1 and R^2, to delete non-elected subject matter from the definitions of the groups S, T, and U, and to insert the definition of the group, m, which definition was inadvertently omitted from embodiment 33 and claim 17. Applicants believe that the definition of m in claim 17 is supported by embodiment 7. Claim 21 is currently amended to delete inadvertent redundant text in the definitions of the groups R^1 and R^2 and to delete non-elected subject matter from the definitions of the groups S, T, U, and W.

Elections/Restrictions

In the Office Action, restriction under 35 U.S.C. § 121 was required. Applicants hereby elect without traverse the invention of Group II, which was described in reference to claims 1 to 16 in the Office Action as follows:

claims 1, 3, 5, 7, and 9 to 16, drawn to a compound of formula Ia,

wherein one of S, T, U, and W is N and the other three of S, T, U, and W

are each C-R^4, or a compound of formula IIa, III, IV, or V, wherein T is N,

namely pyridine-core compound, composition, and method of use, which

are classified in classes 546 and others, subclasses 268.1, 290, 291, 297, 298, and various others, class 514, subclasses 336, 345, 346, and various others depending upon the choice of preferred embodiments V and the other variable groups of formulas Ia, IIa, III, IV, or V. Claims 12, 14, 16, and 17-28 read on the invention of Group II.

Applicants also elect under 35 U.S.C. § 121 the single disclosed species, 4-[2-(4-methanesulfonyl-benzyl)-2H-tetrazol-5-yl]-pyridine-2-carboxylic acid indan-1-ylamide, which is the compound of Example F9, shown in Example Table F, on page 151 of the specification. Claims 12, 14, 16, and 17-28 read on the elected species.

Supplemental Information Disclosure Statement

Applicants make available to the Patent and Trademark Office a supplemental Information Disclosure Statement on form PTO/SB/08A and two versions of the cited art, a Japanese language version and an English translation of JP 10-195063. The English translation of JP 10-195063 is a machine translation with post-translation human edits. Applicants respectfully request that the Examiner consider carefully the complete text of the cited reference(s) in connection with the continued examination of the above-identified application in accord with 37 CFR §1.104(a).

It is respectfully requested that all cited reference(s) considered by the Examiner be listed in the "References Cited" portion of any patent issuing from the instant application (MPEP § 1302.12).

Conclusion

In view of the above amendment and remarks, Applicants believe that the restriction requirements are met and request consideration of claims 12, 14, 16, and 17-28.

Respectfully submitted,

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